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SEP 17 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 17, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

**RE: Carriage of the Transmissions of Digital Television Broadcast Stations
CS Docket No. 98-120**

Dear Ms. Salas:

Enclosed for filing in the above referenced proceeding are an original and four copies of the Comments of The Wisdom Network.

Your assistance in the matter is appreciated.

Very truly yours,



Mark C. Ellison

cc: William Turner, President, The Wisdom Network

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SEP 17 1998

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

September 17, 1998

William E. Kennard, Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

**RE: Carriage of the Transmissions of Digital Television Broadcast Stations
CS Docket No. 98-120**

Dear Mr. Chairman:

Please **accept this letter as the comments of The Wisdom Network ("TWN")**
in the above **referenced proceeding.**

TWN is **relatively new satellite/cable television programming** network -
launched one year **ago - based** in Bluefield, WV. The **focus of TWN** is on positive,
inspirational **programming** aimed at the development of **mind, body, and spirit.**
TWN is unique and, **in our** view, fills a much needed **niche in** the programming
landscape. For a **number of** reasons, we strongly oppose **the** imposition of must-
carry rules to digital television services.

It is already difficult for an independent start-up programming service, such
as TWN, to gain carriage on cable systems, no matter how attractive, informative,
or important the programming may be. Cable systems have finite capacity and most
of that capacity is already dominated by retransmitted off-air signals and the
programming of large, vertically integrated services of TCI, Time Warner/Turner
Broadcasting and others. The imposition of must-carry with respect to new digital
signals (which will be duplicative of existing network offerings) may make it all
but impossible for any new services to find carriage on most cable systems.

Along with TWN, such channels as America's Health Network, MSNBC, BET, Animal Planet, America's Talking, and many others stand ready to offer the American viewing public diversity and quality. However, if cable systems are further constrained in their capacity to carry such new services by digital must-carry, many of these services may fail, to the detriment of the public. Rather than trying to find ways to force cable systems to carry *more* ABC, CBS, NBC, and Fox sitcoms and dramas, the Commission should be seeking ways to diversify the offerings and promoting the carriage of new, alternative programming services.

Apart from our own desire to have cable capacity available for our service, we are troubled by the must-carry concept as applied to digital television. The force feeding of duplicate network feeds raises significant First Amendment concerns. The decision of the Supreme Court in *Turner Broadcasting System v. FCC* ("Turner II") turned, at least in part, on the Court's finding that the must-carry rules did not significantly affect most cable operators. It is unlikely that such a statement can be made with respect to the imposition of must-carry rules for the new digital signals. As the Commission has correctly noted, during the transition period there will be twice as many broadcast stations in operation, with each half containing identical content. To impose must-carry with respect these stations/signals would, in our view, clearly have a significant and detrimental impact on cable operators and new programming services. Accordingly, it would seem unlikely that such rules would pass judicial scrutiny.

From a practical standpoint, the application of must-carry to digital television makes little sense. One of the attractions of digital television is the fact that consumers will be able to receive the signals in their homes through the use of very small receiving antennas. It is our understanding that most problems associated with multi-path propagation and interference will be eliminated for digital television viewers within the service area of the broadcast station. Why then is there any need to force carriage on cable? It is a far better alternative to allow consumers to receive digital signals off-air while permitting cable systems greater capacity to offer a broader range of programming alternatives. Specialized and niche services will not be available off-air and, therefore, the Commission's policies should be those which encourage expanded cable capacity for such alternatives, not those which compel delivery of duplicated or otherwise available broadcast programming.

September 17, 1998

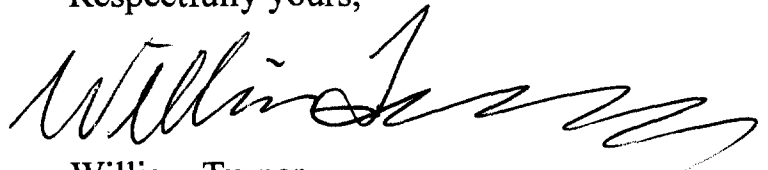
Page 3.

While there are certainly exceptions, it must also be recognized that to a significant degree broadcast television remains the site of the "vast wasteland" once referred to by former FCC chairman Newton Minnow. Each fall brings yet another season of disappointing, non-educational, non-developmental network drivel. Should cable operators be compelled to fill their capacity with duplicate channels of such programming? We think not.

Although government involvement is often a necessary element in society, must-carry rules for digital television is not such a case. The better alternative is to allow the marketplace to work independently and free of such intrusion. The marketplace should decide whether it prefers the alternative and uplifting programming of The Wisdom Network, or duplicate channels, each offering "Suddenly Susan", "Just Shoot Me", "The Nanny", and reruns of "The Simpsons".

We respectfully urge the Commission to refrain from imposing must-carry rules with respect to digital television. Keep the market free and help new and exciting programming services to flourish.

Respectfully yours,

A handwritten signature in black ink, appearing to read "William Turner", with a stylized, flowing script.

William Turner
President